Supreme Court, U. S.
FILED
AUG 4 1977
MICHAEL RODAK, JR., CLERK

APPENDIX

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1977

No. A-12 (76-1427)

REV. PAUL A. McDANIEL,
Appellant,

v.

SELMA CASH PATY, a Resident of Hamilton County, Tennessee; SHIRLEY HASSLER, as Coordinator of Elections of the State of Tennessee; LYTEL LANDERS, as Chairman of the State Election Commission of Tennessee; RAY BLANTON, as Governor of the State of Tennessee; BROOKS McLEMORE, as Attorney General of the State of Tennessee; JOE C. CARR, as Secretary of State of Tennessee; JAMES HARPSTER, TOMMY POWELL, RICHARD HOLCOMB, JACK SEATON, as Members of the State Election Commission of Tennessee; CHARLES HINSON, Chairman of the Hamilton County Election Commission; CLAUDE CLARK, TOMMIE CARTER, JAMES PENLEY, ALBERT W. SECOR, as Members of the Hamilton County Election Commission; TOM MOORE, JR., as Registrar-at-Large for the Hamilton County Election Commission,
Appellees.

ON APPEAL FROM THE SUPREME COURT OF TENNESSEE

FILED: APRIL 15, 1977

PROBABLE JURISDICTION NOTED: JUNE 20, 1977

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1977

No. A-12 (76-1427)

REV. PAUL A. McDANIEL,
Appellant,

v.

SELMA CASH PATY, a Resident of Hamilton County, Tennessee; SHIRLEY HASSLER, as Coordinator of Elections of the State of Tennessee; LYTEL LANDERS, as Chairman of the State Election Commission of Tennessee; RAY BLANTON, as Governor of the State of Tennessee; BROOKS McLEMORE, as Attorney General of the State of Tennessee; JOE C. CARR, as Secretary of State of Tennessee; JAMES HARPSTER, TOMMY POWELL, RICHARD HOLCOMB, JACK SEATON, as Members of the State Election Commission of Tennessee; CHARLES HINSON, Chairman of the Hamilton County Election Commission; CLAUDE CLARK, TOMMIE CARTER, JAMES PENLEY, ALBERT W. SECOR, as Members of the Hamilton County Election Commission; TOM MOORE, JR., as Registrar-at-Large for the Hamilton County Election Commission,
Appellees.

ON APPEAL FROM THE SUPREME COURT OF TENNESSEE

APPENDIX

TABLE OF CONTENTS

	Page
Docket Entries	1
Notice of Appeal	4

Stay Order of Tennessee Supreme Court Staying Decree of March 16, 1977 for Ninety Days From and After March 16, 1977 5

Order of Tennessee Supreme Court of June 28, 1977 Denying Application for Stay Filed June 21, 1977 5

Notation 6

DOCKET ENTRIES

IN THE SUPREME COURT OF TENNESSSEE
AT KNOXVILLE

Rev. Paul A. McDaniel,

Appellant,

v.

Selma Cash Paty, a Resident of Hamilton County, Tennessee; Shirley Hassler, as Coordinator of Elections of the State of Tennessee; Lytel Landers, as Chairman of the State Election Commission of Tennessee; Ray Blanton, as Governor of the State of Tennessee; Brooks McLemore, as Attorney General of the State of Tennessee; Joe C. Carr, as Secretary of State of Tennessee; James Harpster, Tommy Powell, Richard Holcomb, Jack Seaton, as Members of the State Election Commission of Tennessee; Charles Hinson, Chairman of the Hamilton County Election Commission; Claude Clark, Tommie Carter, James Penley, Albert W. Secor, as Members of the Hamilton County Election Commission; Tom Moore, Jr., as Registrar-at-Large for the Hamilton County Election Commission,

Appellees.

No. A-12 (76-1427)

Date	Entry
1976	
*Sept. 28	Original complaint for declaratory judgment

* Asterick indicates that entry was reproduced in Appellant's Jurisdictional Statement, except for entries reproduced herein.

Sept. 28 Summons for defendant to appear

Sept. 28 Order to show cause

Sept. 28 Temporary restraining order

*Oct. 4 Answer of defendant

Oct. 4 Motion to dismiss by defendant

Oct. 4 Proceedings of trial

*Oct. 5 Memorandum opinion by chancellor

Oct. 6 Final judgment enrolled by Chancery Court of Hamilton County

Oct. 6 Appeal bond filed

Oct. 6 Bill of exception filed

Oct. 6 Stipulation that all time limits waived for expedited hearing

Oct. 15 Tennessee Supreme Court enters an Order of Remand on the ground that the Attorney General of Tennessee was not made a party or served with a copy of the proceedings pursuant to Tenn. Code Ann. § 23-1107 and Tenn R. Civ. P. 24.04

Oct. 19 Waiver and acknowledgment filed by Attorney General of Tennessee

Oct. 21 Motion to file counter-complaint filed by defendant/counter-plaintiff for class action pursuant to Tenn. R. Civ. P. 23.01 and 23.02(2) for declaratory and injunctive relief

Oct. 21 Order by chancellor to serve Attorney General of Tennessee pursuant to Tenn. R. Civ. P. 24.04 and Tenn. Code Ann. § 23-1107, and "counter complaint, cross complaint and third-party complaint" of defendant filed

*Oct. 21 Counter complaint, cross complaint and third-party complaint of defendant/counter plaintiff

Oct. 21 Summons for defendants of "counter complaint, cross-complaint and third-party complaint" to answer

Oct. 21 Acknowledgment of service and waiver

*Oct. 22 Answer from plaintiff/counter-defendant

Oct. 22 Acknowledgment and waiver by Attorney General of Tennessee

Oct. 22 Stipulation that no more evidence be introduced

*Oct. 22 Memorandum opinion of chancellor

*Oct. 22 Order that counter complaint be maintained as a class action

*Oct. 25 Final judgment of Chancery Court of Hamilton County, Tennessee

Oct. 25 Order granting appeal

Oct. 25 Appeal bond filed by plaintiff and defendant

1977

*Mar. 7 Decree of Tennessee Supreme Court filed

*Mar. 7 Opinion of Tennessee Supreme Court filed

*Apr. 15 Notice of Appeal to the United States Supreme Court filed

*Mar. 16 Stay order of Tennessee Supreme Court staying decree of March 16, 1977 for ninety days from and after March 16, 1977

*June 28 Order of Tennessee Supreme Court of June 28, 1977 denying application for stay filed June 21, 1977

IN THE SUPREME COURT OF TENNESSEE
AT KNOXVILLE

(Title omitted in printing)

NOTICE OF APPEAL TO THE SUPREME COURT OF THE UNITED STATES

To the Honorable John A. Parker, Clerk of the Supreme Court of Tennessee:

Please take notice that the Rev. Paul McDaniel, appellee in the above styled civil action, hereby appeals the judgment of the Tennessee Supreme Court of March 7, 1977 under 28 U.S.C. § 1257 (2).

The Clerk of the Tennessee Supreme Court is requested pursuant to the Rules of the Supreme Court of the United States, R. 12, to certify and transmit to the Clerk of the Supreme Court of the United States a full and complete copy of the record in the above styled civil action.

Respectfully submitted,

FREDERIC S. LE CLERCQ
1505 West Cumberland
Knoxville, Tennessee 37916
Telephone: (615) 974-3209

J. THOMAS MANN
THOMAS, LEITNER, MANN,
WARNER & OWENS
330 Pioneer Building
Chattanooga, Tennessee 37402
Telephone: (615) 265-0214
By: FREDERIC S. LE CLERCQ

(Certificate of service on opposing counsel executed March 17, 1977.)

IN THE SUPREME COURT OF TENNESSEE
AT KNOXVILLE

(Title omitted in printing)

STAY ORDER

Upon application of Reverend Paul McDaniel, the decree of this Court entered on March 16, 1977, in conformity with the Court's Opinion of March 7, 1977, is hereby stayed for a period of ninety (90) days from and after March 16, 1977, or until the Supreme Court of the United States acts upon his appeal or petition for certiorari, whichever occurs first.

The Clerk is directed to send a copy of this Stay Order to the legislative body of Hamilton County.

/s/ WM. H. D. FONES
Justice

IN THE SUPREME COURT OF TENNESSEE
AT KNOXVILLE

(Title omitted in printing)

ORDER

It appearing that the United States Supreme Court has noted probable jurisdiction,

The application for stay filed June 21, 1977, is respectfully denied.

For the Court:

/s/ WM. H. D. FONES
Justice

NOTATION

The following items appear in the appendix to the jurisdictional statement at the pages noted and are not reprinted in this appendix:

(1) Original complaint for declaratory judgment A.43

(2) Answer of defendant A.48

(3) Memorandum opinion by Chancellor (10-5-76) A.33

(4) Counter complaint, cross complaint and third-party complaint of defendant A.51

(5) Answer of plaintiff A.65

(6) Memorandum opinion by Chancellor (10-22-76) ...A.37

(7) Order that counter complaint be maintained as a class action A.62

(8) Final Judgment of Chancery Court of Hamilton County, Tennessee A.68

(9) Decree of Tennessee Supreme Court A.1

(10) Opinion of the Tennessee Supreme Court A.3